



Pictures Don't Lie. Pictures Tell It All

Shannon Bell

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“Pictures don’t lie. Pictures tell it all.”¹

SHANNON BELL

*Department of Political Science
York University*

On May 28, 1994, London police raided the home of fifty-year-old B. Wilson, a high school teacher. They left with more than 875 videotapes, several banker boxes of magazines, and hundreds of photographs.

On May 29, the videos made an appearance at a press conference. They were stacked by the hundreds around the London chief of police as he revealed to reporters the enormity of the problem of child porn in London, Ontario. In a matter of days, Ontario’s solicitor general announced funding for a province-wide task force (Project Guardian) to be headed by London police.

Everyone just assumed that the videotapes contained child porn. But prosecutors never charged Wilson with anything connected to those tapes. And for good reason. Wilson was simply a movie buff. What the police seized was a magnificent collection of Hollywood movies and European art films.

Wilson’s brother has an alphabetized list of the videos the cops took. The first title is *Abbott and Costello Go to Mars*. The last, some thirty-five single-spaced pages later, is *Zorro, the Gay Blade*. Every title in between is a mainstream American or European film. There is a separate list, naming about seventy adult videos, all cleared for sale in Canada.

The police didn’t charge Mr. Wilson on the basis of those tapes because they couldn’t. They could, however, use them to window-dress a press conference, and they did.

The police finally did charge Mr. Wilson with possession of child pornography, in the form of an eight-millimeter film that he purchased years ago through an ad in the *Advocate*, and a number of erotic magazines and

¹London chief of police, in “The Bedrooms of the Nation,” CBC’s *Ideas* series, October 1994, transcript, p. 12; hereafter cited as “The Bedrooms of the Nation.”

photographs showing boys (the individuals in them need only look under eighteen for a charge to stick under 163.1 of the Canadian Criminal Code). All the magazines were legally purchased and legal to have until the Canadian "kiddie porn" law came into effect June 1993.²

"STORIES GET TOLD and [like pictures] read in different ways in different contexts. The consuming of a tale centers upon the different *social worlds* and *interpretive communities* who can hear the story in certain ways and hence not others."³

This article situates the tale of the "child" pornography scare, panic, paranoia inside the context of Canada's new obscenity legislation, as interpreted by the 1992 Butler Decision, and in turn, the Butler Decision inside the context of the polarity of pornography and philosophy. Philosophy is used to interrogate pornography, and in a twist of thought, pornography interrogates philosophy, advancing a conception of pornography that is indistinguishable from philosophy; at the heart of pornography are competing morals, ethics, and value judgments relating to the questions of truth and justice. This blurring of genres challenges Butler and the "Child" Porn Law with **pornosophy**: a strategy of conscious porn resistance through representation (thoughts, words, and images) of lesbian, sadomasochistic, and youth sexualities.

Drawing upon Michel Foucault's late work on the care of self and William Connolly's reading of Foucault, pornography and philosophy are linked through ethics understood as a style of comportment, an art of living and dying, an aesthetics of existence. Ethics, as conduct of conduct, is grounded in plurality and equality, opening space for a variety of truths, styles of life, and points of resistance. The official, the straight,

² This "story" is made possible by the investigative reporting of Joseph Couture, a young gay journalist, who has throughout the London porn panic documented the unofficial stories of the people charged under Canada's new "child" pornography law. Joseph Couture's counternarrative has been published by *Xtra*, Toronto's gay biweekly newspaper, and has resulted in two documentaries by the CBC (Canadian Broadcasting Corporation): a four-part radio documentary called "The Trials of London" and "More Trials of London" in "The Bedrooms of the Nation" *Ideas* series and "After the Bath," a television documentary by filmmaker John Greyson. The *Globe and Mail*, Canada's national daily paper, published the results of Couture's investigative reporting in a feature, "The Kiddie-Porn Ring That Wasn't," by Gerald Hannon on March 11, 1995, fourteen months after the beginning of the porn scare in southern Ontario. The porn panic began when the London police came into possession of two bags containing forty video tapes found by a teenage boy fishing in a river north of London, a southwestern Ontario city of 360,000 people. "Official court documents say that a number of the tapes were Hollywood movies, some were legal commercial gay pornography, and some were homemade sex tapes of mostly teenage males and . . . one boy who was 11 years old" (Joseph Couture, "London's Trials," *The Guide: Gay Entertainment, Politics and Sex* [July 1995], p. 16).

³ Ken Plummer, *Telling Sexual Stories* (London, 1995), p. 22.

police/media story of the "Child" Porn Panic in London and Toronto, Ontario, is juxtaposed with the narratives, the truths, of those talked about—the alleged sexual deviants, the alleged victims, pornographers, perverts, hustlers, and johns.⁴

THE BUTLER DECISION: AN ASIDE

Two things happen with Butler: (1) the emphasis shifts from the obscene (sexually explicit) to the abnormal (perversion): the sexualities attracting the law's attention are gay and lesbian, sadomasochistic and youth sexuality;⁵ and (2) the intent of the law slips from punishment of those who offend decency to protection of populations. The Butler Decision is an equality ruling that protects vulnerable populations from the harm of the obscene.

In February 1992, the Canadian Supreme Court ruled on the case of Donald Butler, the owner of a Manitoba video store selling "hard core" videotapes, magazines, and sexual paraphernalia. Butler had been convicted by a lower court and charged with various counts of selling obscene material, possessing obscene material for the purpose of distribution or sale, and exposing obscene material to public view. The Supreme Court granted Butler's appeal of the convictions and ordered the case returned to the lower court for retrial.

R. v. Butler was the first constitutional challenge to the obscenity law, section 163 of Canada's Criminal Code. The Supreme Court of Canada considered whether section 163 violated the freedom of expression guarantee in section 2(b) of the 1982 Canadian Charter of Rights and Freedoms. The court found that although section 163 does violate the charter, this violation is "justified under s.1 of the Charter"⁶ as "a reasonable limit prescribed by law."⁷ The *reasonable limit prescribed by law*

⁴The term "straight," in this text, has overdetermined meaning: "not gay," "unqueer," nonironic, the hegemonic social/political culture, and the official story based on "facts." The London chief of police has been quite fond of saying, "The facts speak for themselves" (John Greyson, *icon* [May 1995], p. 16). This statement is quite ironic given that the police have been shown to manufacture the facts for media consumption (see the opening story). There are, however, certain facts that everyone can agree upon: some fifty men ranging in age from eighteen to seventy-two have had their lives disrupted, their reputations destroyed, and their jobs taken away and have lost friends, family, and home; many of the men are in prison.

⁵For an analysis of how the Butler Decision targets these sexualities, see Brenda Cossman, "Feminist Fashion or Morality in Drag? The Sexual Subtext of the Butler Decision," in *Bad Attitudes on Trial: Pornography, Feminism and the Butler Decision*, by Brenda Cossman, Shannon Bell, Lise Gotell, and Becki Ross (Toronto, 1996), in press.

⁶*R. v. Butler*, 1 S.C.R. 452 (1992), 8 C.R.R. (2d) 1 (1992) (cited to C.R.R.).

⁷Government of Canada, *The Constitution Act* (1982), Canadian Charter of Rights and Freedoms, sec. 1. Section 1 states: "The Canadian Charter of Rights and Freedoms guaran-

is informed by the equality rights guarantees in sections 15 and 28 of the charter.⁸

In its ruling the Supreme Court provided a new and comprehensive interpretation of obscenity, largely derived from feminist antipornography discourse. The Butler ruling draws explicitly from a factum submitted by LEAF (Women's Legal Education and Action Fund).⁹ The factum was coauthored by Catharine MacKinnon.¹⁰ It is MacKinnon's analysis of pornography as a practice of sex discrimination that harms women that informs the factum. The LEAF factum argued that "pornography amounts to a practice of sex discrimination against individual women and women as a group" and the regulation of pornography "can be constitutionally justified using a harms-based equality approach which focuses on the actual harms done by and through pornography."¹¹ In his ruling Judge Sopinka stated, "Material would . . . fail the community standards test not because it offends against morals but because it is perceived by public opinion to be harmful to society, particularly to women."¹²

The Butler ruling hinged on defining what constitutes the "undue exploitation of sex." Section 163(8) of the Canadian Criminal Code states: "Any publication a dominant characteristic of which is *the undue exploitation of sex*, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence, shall be deemed to be obscene."

The court constructed three categories of pornography: (1) explicit sex with violence, (2) explicit sex without violence but that subjects

tees the rights and freedoms set out in it subject only to such *reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society*" (emphasis added).

⁸Sections 15 and 28 of the Canadian Charter of Rights and Freedoms state: "15.(1) Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability. (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. 28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons."

⁹For an examination of "the new politics of antipornography," its derivation from feminist antipornography discourse, and a deconstructive analysis of feminist antipornography discourse, see Lise Gotell, "Shaping *Butler*: The New Politics of Anti-Pornography," in Cossman et al.

¹⁰The LEAF factum in *R. v. Butler* was written by Kathleen Mahoney, Catharine MacKinnon, and Linda Taylor: Women's Legal Education Action Fund, "Factum of the Inter-venor" *R. v. Butler*, Supreme Court of Canada, 1991.

¹¹*Ibid.*, p. 2.

¹²*R. v. Butler*, p. 479.

people to treatment that is degrading and dehumanizing, and (3) explicit sex without violence that is neither degrading nor dehumanizing.¹³ The first “will almost always constitute the undue exploitation of sex”; category 2, explicit sex that is degrading and dehumanizing, “may be undue if the risk of harm is substantial”; the third category does “not qualify as the undue exploitation of sex unless it employs children in its production.”¹⁴ The police and the courts determine the boundaries between expression and degradation, between the merely explicit and the harmfully obscene. To which side of the divide a sexual representation is to be assigned is contingent on a two-stage analysis. In the first stage, the courts determine whether the material involves “the undue exploitation of sex”: whether it is degrading and dehumanizing and thus offends community standards. The courts determine what the community would tolerate its members being exposed to on the basis of the degree of harm that would result from such exposure. “Among other things, degrading or dehumanizing materials place women (and sometimes men) in positions of subordination, servile submission or humiliation. They run against the principles of equality and dignity of all human beings. In the appreciation of whether material is degrading or dehumanizing, the appearance of consent is not necessary determinative.”¹⁵

The second stage involves the “internal necessities,” or “artistic merit,” test, the contextualization of the sexual representation in the context of the work as a whole: Is the portrayal of sex essential to a wider and higher purpose of art or literature?¹⁶

There is an ambiguity in the Butler Decision that gives it surface palatability. It is an ambiguity that dwells in the space between what is con-

¹³Ibid., p. 484 (emphasis added).

¹⁴Ibid., p. 485.

¹⁵Ibid., p. 479.

¹⁶The question is whether merit can outweigh a base purpose or community standard if the standards of the community are offended, and with *R. v. Butler*, harmed, by the subject matter. In the recent *Eli Langer* case in Toronto, Ontario, in which Langer's paintings and drawings depicting children and adults in a sexual context were on trial, Judge McCombs ruled that Langer's paintings and drawings do not pose “a realistic threat of harm to children” and “are entitled to the defense of artistic merit” (Don Downey, “Art Works Ruled No Risk to Young,” *Globe and Mail* [April 21, 1995], p. A3). The “threat of harm to children” was assessed in accordance with “the standards of community tolerance”; Judge McCombs stated, “I have also concluded that the legal meaning of the artistic merit defense includes a consideration of the standards of community tolerance based on the risk of harm to children.” Judge McCombs assessed the purpose of the work: “The purpose of the work is not to condone child sexual abuse, but to lament the reality of it. I accept the uncontradicted evidence of the art experts that, in the view of the artistic community, Mr. Langer's work has artistic merit.”

structured as good sex and bad sex.¹⁷ In Butler's new categorization of pornography, images of merely explicit sex get protected by section 2(b) of the 1982 Charter of Rights and Freedoms, which guarantees free speech. The Butler Decision provides a two-tiered construction of pornography: acceptable/unacceptable, licit/illicit. Sexual explicitness is acceptable, but representations that are degrading and dehumanizing or contain violence or threats of violence are not. The court determines what is degrading and dehumanizing, what is violence and/or a threat of violence, based on its assessment of public opinion. An earlier Supreme Court ruling¹⁸ cited in the Butler Decision defines degrading material as "material which degrades the human dimension of life to a subhuman or merely physical dimension."¹⁹ Judge Hayes in his assessment of detained publications²⁰ imported by Glad Day Bookshop (a Toronto gay and lesbian bookstore) used this definition to interpret nonhegemonic sexualities and sexual practices, particularly if they involved more than two persons, as obscene. Here is Hayes's assessment of one of the detained publications, *Advocate Men*: "This is a magazine of explicit pictures of nude males and stories of explicit casual sexual encounters relating to oral and anal sex. The description and activities are degrading and without any human dimension. The dominant characteristic is the undue exploitation of sex. I find it to be obscene."²¹

It came as little surprise that the first police action justified by Butler was the charging of two men, the manager and the owner of Glad Day Bookshop, for distributing obscenity, specifically, *Bad Attitude* (vol. 7, no. 4, 1991)—a "lesbian erotic fiction" magazine published in Cambridge, Massachusetts. The main story, the "most offending" story, "Wunna My Fantasies" by Trish Thomas, "featured fully consensual sex-play between two fictional lesbian characters. The narrator imagines herself in s/m gear (leather, nose-ring, chains, etc.) inside a locker room; she approaches the other woman from behind, blindfolds, handcuffs and then has sex with her."²² Ironically, a feminist-inspired ruling "to protect women from harm"²³ and to legislate "women's equality"²⁴ was used to

¹⁷See Cossman (n. 5 above), for a deconstructive reading of the opposition between good sex and bad sex in the Butler Decision.

¹⁸R. v. Towne Cinema Theatres, 1 S.C.R., 494, 18 C.C.C. (1985) (cited to C.C.C.).

¹⁹R. v. Butler (n. 6 above), 481. Recited in Glad Day Bookshop v. Canada, O.J. No. 1466 (QL) (1992), p. 13.

²⁰Customs prohibited their entry, deeming the publications to be obscene under 163(8) C.C.C.

²¹Glad Day Bookshop v. Canada, p. 19.

²²Becki Ross, " 'It Is Merely Designed for Sexual Arousal': Interrogating the Indefensibility of Lesbian Smut," in Cossman et al. (n. 5 above).

²³Women's Legal Education Action Fund (n. 10 above), p. 16.

²⁴Ibid., p. 19.

target lesbian sexuality. A further ironic spin came in the judge's ruling on the story "Wunna My Fantasies"; Judge Paris argued that "by substituting a man for the 'sexually aggressive woman,' the criminally violent, obscene character of the scene between the two women was fully revealed";²⁵ he declared the magazine obscene.²⁶

Butler set the climate for the so-called child pornography bill enacted into law June 15, 1993, "so-called" because it brazenly classifies adolescents and young adults as "children." The so-called Child Pornography Law in Canada, section 163.1 of the Criminal Code, makes it illegal to possess, produce, sell, or distribute sexually explicit images of a person who is or is depicted as under the age of eighteen years in films, magazines, videos, and computer-generated images; it also makes illegal written materials that "advocate" having sex with a person under the age of eighteen.²⁷

ETHICS/MORALITY/POLITICS: CATEGORIES IN CRISES, PEOPLE IN PRISON

Truth is everywhere. There is merit and importance in Catharine MacKinnon's critique of pornography: it is important to recognize that some women and some men can feel degraded and dehumanized by depictions of people "enjoy[ing] humiliation," "tied up," gagged, whipped, whipping, "reduced to body parts," "presented in scenarios of degradation, . . . injury," "penetrated by objects or animals."²⁸ Other women and men see S/M parody. Yet if I have been tied up and beaten without my consent or if I connect these parodic images to the rape and slaughter of Bosnian

²⁵Becki Ross, "Wunna His Fantasies': The State/d Indefensibility of Lesbian Smut," *Fiveweed* 38 (1993): 42.

²⁶See Ross, "It Is Merely Designed for Sexual Arousal': Interrogating the Indefensibility of Lesbian Smut." Ross, who was expert witness at the *Bad Attitude* trial, drawing on court transcripts, analyzes witness testimony and the ruling; she locates the story "Wunna My Fantasies" and the magazine *Bad Attitude* in the community context of lesbian sexual representation.

²⁷The new Canadian so-called Child Porn Law, June 1993, is an extension and expansion of the U.S. child porn bills Child Sexual Abuse and Pornography Act (1986) and Child Protection and Obscenity Enforcement Act (1988). It was under the former that such artists as Jock Sturges, Robert Mapplethorpe, and Alice Sims were charged and people became afraid to take nude photos of children, adolescents, and late teens. The latter bill required proof that all actors/models producing sexually explicit material were eighteen or over; the proof requirements were applied retroactively over the previous ten years.

²⁸Quotations are from the Minneapolis Civil Remedy Ordinance drafted by Catharine MacKinnon and Andrea Dworkin, cited in Catharine MacKinnon, *Only Words* (Cambridge, MA, 1993), pp. 121-22, n. 32.

women, then they are harmful.²⁹ If another viewer, having had dungeon experience, sees the depictions as taking place in a controlled environment where fears, fantasies, and desires are played out, they are therapeutic. "Pictures tell it all."³⁰ MacKinnon is not simply the straw woman to be defeated in every anticensorship/proporn writing. Students in my women's studies course, "Pornography: A Postmodern Feminist Look," have said that although they might agree with the actual positions of the anticensorship feminists presented in such collected works as *Sex Exposed* and *Dirty Looks*, they were tired of reading their cleverly constructed miscritiques of radical feminist positions on pornography.³¹ Women can be harmed in pornography, and women can grow making it.³² Seeing one sex as horny and available when you go to the corner store could be taken to reflect the gender inequality in society. Or maybe it could show what Camille Paglia sees: "the sexual power women wield over men."³³ Maybe it could be both/and.

The problem with MacKinnon, and with the Women's Legal Education and Action Fund, who so strongly supported Butler, is that their standpoint is presented as the Truth about porn, the one Truth to be enforced by Law. For MacKinnon and other key antipornography theorists, pornography is "sexual reality"; pornography "is not imagery . . . it is not a distortion, reflection, projection, expression, fantasy, representation, or symbol."³⁴ MacKinnon positions this construction of pornography as "the feminist view" and the feminist view à la MacKinnon is that "pornography is a form of forced sex, . . . an institution of gender inequality."³⁵ MacKinnon's position is one of certainty: this is what pornography is, this is what it does; women who disagree or partially agree

²⁹ MacKinnon has documented the interconnection between rape and pornography in the Serbian soldiers' filmed rape of Bosnian women: "Turning Rape into Pornography: Postmodern Genocide," in *Mass Rape: The War against Women in Bosnia-Herzegovina*, ed. Alexandra Stiglmayerr (Lincoln, NE, 1994).

³⁰ "The Bedrooms of the Nation" (n. 1 above), p. 12.

³¹ Lynne Segal and Mary McIntosh, eds., *Sex Exposed: Sexuality and the Pornography Debate* (New Brunswick, NJ, 1993); Pamela Church Gibson and Roma Gibson, *Dirty Looks: Women, Pornography, Power* (London, 1993).

³² See my books *Reading, Writing, and Rewriting the Prostitute Body* (Bloomington, IN, 1994), and *WHORE CARNIVAL* (Brooklyn, NY, 1995); porn stars Veronica Vera, Annie Sprinkle, Candida Royalle discuss the imperfection of porn as a sexual medium and how they grew in it.

³³ Camille Paglia, "Rape and the Modern Sex War," in her *Sex, Art, and American Culture* (New York, 1992), p. 66.

³⁴ Catharine MacKinnon, "Not a Moral Issue," in her *Feminism Unmodified: Discourse on Life and Law* (Cambridge, MA, 1987), p. 149.

³⁵ *Ibid.*, p. 148.

are either collaborators or suffering false consciousness.³⁶ Vying for dominance with the antipornography radical feminist position is a post-modern feminist position³⁷ that sees pornography not as a singular reality but as a discourse of sexual representation composed of many different genres³⁸ that are open to many readings and thus many truths. Multiple meanings reside in the same image/text: “All truth is crooked.”³⁹

Between pro-Butler (procensorship/antipornography) and anti-Butler (anticensorship/propornography) are competing ethical positions. When one comes across such a contested concept as pornography it has to be located on a larger and greater contested terrain: ethics. The pornography debate is contingent on how we see truth, justice, and ethics. This article (ab)uses philosophy to embrace pornography on the terrain of ethics. A word of warning: abusing philosophy is most useful in conjunction with the actual making of porn and engaging in porn resistance,⁴⁰ thus the final section—“Sexual Parrhesia: A ‘Truth’ to Pornography?”—which consists of two pornosophy texts: “Making Pornography” and “On ne peut pas voir l’image.”

(AB)USING PHILOSOPHY

Marjorie Garber, in *Vested Interests: Cross-Dressing and Cultural Anxiety*, uses the concept “category crisis” as a way of “disrupting and calling attention to cultural, social, or aesthetic dissonances.”⁴¹ While Garber is

³⁶See Catharine MacKinnon, “On Collaboration,” in MacKinnon, *Feminism Unmodified*.

³⁷What I am terming a postmodern feminist position on pornography had its origin in the infamous 1982 Barnard “Scholar and Feminist” conference, resulting in *Pleasure and Danger: Exploring Female Sexuality*, ed. Carole Vance (London, 1984). More recent texts include Segal and McIntosh, eds.; Gibson and Gibson; Bell, *Reading, Writing, and Rewriting the Prostitute Body*; and Cossman et al. (n. 5 above).

³⁸Inside the discourse of pornography, there are many different genres: mainstream heterosexual, couples from a feminist point of view à la Candida Royalle, lesbian, gay, S/M, lesbian S/M, and on and on.

³⁹Friedrich Nietzsche, *Thus Spoke Zarathustra*, pt. 3, in *A Nietzsche Reader*, trans. R. J. Hollingdale (London, 1977), p. 251.

⁴⁰Many of the authors in the two recent collections *Sex Exposed* (Segal and McIntosh, eds.) and *Dirty Looks* (Gibson and Gibson) argue for a politics of subversion in which sexual others, those deemed obscene and thus off/scene, come on/scene (Linda Williams, “Pornographies On/Scene, or Diff’rent Strokes for Diff’rent Folks,” in Segal and McIntosh, eds., p. 234) and produce images of their sexualities, or as an act of guerrilla warfare deconstruct the codes of the dominant pornography genre, and in so doing upset the sexism often present in mainstream sexual imagery. This politics of subversion is the intent of the transgressive acts in the final section of this article.

⁴¹Marjorie Garber, *Vested Interests: Cross-Dressing and Cultural Anxiety* (New York, 1993), p. 16.

specifically applying the concept to the position of the transgendered person, the concept and the manner in which Garber deploys it is applicable to pornography and youth sexuality, for both pornography and youth sexuality produce and are produced as category crises. Garber defines category crisis as "a failure of definitional distinction, a borderline that becomes permeable, that permits of border crossings from one (apparently distinct) category to another."⁴² Like transvestism and transsexuality, which Garber positions as the "third sex," pornography and youth sexuality "challenge the easy notions of binarity";⁴³ in the case of the third sex it is the binarism of gender that is challenged; for pornography it is the binarisms of pornography/art, pornography/erotica, pornography/philosophy; for youth sexuality it is the binarisms of youth/child, youth/adult. The slash—/—of the binary division is a sliding space of ambiguity,⁴⁴ a space that constantly shifts and changes, a space of play/philosophy/punishment: the space of both/and. The majority of sexual depictions are somewhere in between pornography and art, are both pornography and art, both pornography and erotica, both pornography and philosophy; the boys are somewhere in between youths and children, somewhere in between youth and adulthood. Sex with persons fourteen and over is legal in Canada providing the adult is neither in a position of authority nor paying (with money or in some other manner); taking or possessing pictures of persons under eighteen or posing as under eighteen is illegal. In the spectacle of the London "porn ring" the "distinctions between youth and child completely collapsed";⁴⁵ "seventeen year olds at the height of their sexual powers are called children."⁴⁶

What lurks in this space of ambiguity, where the "crisis of category"⁴⁷—pornographic/aesthetic, pedophilic/ordinary lovers—resides and resonates, is the structuring binary division of ethics and morality. Traditionally, the link between pornography and philosophy has been morality. The Law is based on a Kantian concept of morality but life must be lived in accordance with a Foucaultian concept of ethics. Morality, according to Kant and neo-Kantian liberals, is a code or universal rule of behavior that is enforced by the Law. This code is premised on a transcendent moral principle: the capacity of the human mind to form categorical imperatives. Kant gives the two structuring imperatives. "Act only

⁴²Ibid.

⁴³Ibid., p. 10.

⁴⁴"The 'third' is a mode of articulation, a way of describing a space of possibility. Three puts in question the idea of one: of identity" (ibid., p. 11).

⁴⁵"The Bedrooms of the Nation" (n. 1 above), p. 42.

⁴⁶Ibid., p. 38.

⁴⁷Ibid., p. 17.

on the maxim whereby thou canst at the same time will that it should become a universal law.”⁴⁸ “Act to treat humanity whether in thine own person or that of any other, in every case as an end withal, never as a means only.”⁴⁹ Kant posits a moral subject who because she is rational acts according to these two transcendent principles. Kantian morality is located in rational obedience to a universal rule of behavior cum universal law. How does the subject know the moral principles and the derivative *rules*? They are given as the subject is given; this is the dominant Kant, the Kant of modernism, the Kant of the “First Critique of Judgment”: rules, established criteria, determinate judgments. There is no way out (except in art, perhaps). Behind Kant stands Augustine and way over on the left/right beside him lies Sade; but it is Saint Augustine all the way down/up. “Lodged in the subterranean levels of liberalism”⁵⁰ is what William Connolly identifies as “the Augustinian Imperative,” the drive to discover an intrinsic moral order that can be authoritatively represented in human law. There are two models or themes of morality in the Augustinian script: morality as obedience to a transcendental command from God or Natural Law and morality as conforming to an immanent, intrinsic design or structure of things.⁵¹ Clearly, Kantian morality corresponds to the first script. The manifest content of morality is historical: grand concepts like “categorical imperative” are brought down into a specific moral economy. The Kantian myth is that it is the Concept that structures specific historical practices of praise and blame, reward and punishment. “A moral economy constitutes a set of equivalences between thought, words, action, freedom, responsibility, desert, and punishment.”⁵²

A depiction of a woman, arms in wrist cuffs tied over her head, ankles bound to the base of a ladder, having her pussy whipped by a second woman, is “degrading and dehumanizing”⁵³ It places woman, as a category, in “subordination, servile submission or humiliation”⁵⁴ The image goes “against the principles of equality and dignity of all human beings”⁵⁵ The image is “harmful to society, particularly to women”⁵⁶

⁴⁸Immanuel Kant, *Fundamental Principles of the Metaphysic of Morals*, trans. T. K. Abbott (London, 1927), 2:46–47.

⁴⁹Ibid.

⁵⁰William Connolly, *The Augustinian Imperative: A Reflection on the Politics of Morality* (London, 1993), p. xii.

⁵¹Ibid., pp. 34–37.

⁵²Ibid., p. 132.

⁵³R. v. Butler (n. 6 above), p. 25.

⁵⁴Ibid.

⁵⁵Ibid.

⁵⁶Ibid.

Never mind that the activity depicted is consensual: "sometimes the very appearance of consent makes the depicted acts even more degrading or dehumanizing."⁵⁷ Never mind that the image was derived through a discussion among the two women in the scene and the female photographer. Persons making the scene, persons selling the scene, must be punished. A depiction of a woman, arms in wrist cuffs tied over her head, ankles bound to the base of a ladder, having her pussy whipped by a female youth or young woman (or older woman posing as) under eighteen years of age is "child pornography." Persons making the image "are guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years";⁵⁸ persons selling the images are "guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years";⁵⁹ persons buying the image are "guilty of an indictable offence and liable to imprisonment for a term not exceeding five years."⁶⁰ And, however they may describe their experience, the persons making the image are taken as simply unaware of the harm they are causing, or suffering, or both. Do you think that the image will pass the "internal necessities test" (the artistic defense)? *Naw. Tilt your head up, let the light flow onto your face. That's it, that's it. Always shoot in black and white. Look young, look real young, grab a teddy. Let's give it all the codes as an homage to obscene camp: yes, the bathroom tile, you tied to the pipes, me dripping hot wax on your breasts, shoot my shadow, play with the light, champagne for pouring, a whip for texture, place the teddy and possum as onlookers. We got it, baby.*

The Augustinian imperative presupposes what Kant's categorical imperative presupposes: for everything "bad" that happens there is a responsible moral agent: a universal subject who knows what is right and wrong and who must be blamed and punished. Without punishment there is no order; and order is at the center of the two Augustinian scripts.

Friedrich Nietzsche and Michel Foucault, reclining alongside Sade, notice an "arbitrary cruelty . . . installed in those moral economies that take themselves to embody the will of god, a Law of laws, an Intrinsic purpose in Being, or a fictive Contract [the Rawlsian original position]."⁶¹ "One knows my demand of [pornographers]⁶² that they place themselves beyond good and evil—that they have the illusion of moral

⁵⁷Ibid.

⁵⁸The Criminal Code of Canada, in *Martin's Annual Criminal Code 1995*, annotations by Edward Greenspan (Aurora, Ont., 1995), 163.1 (2).

⁵⁹Ibid., 163.1 (3).

⁶⁰Ibid., 163.1 (4).

⁶¹Connolly (n. 50 above), p. 132.

⁶²I have replaced "philosophers" with "pornographers."

judgement beneath them. This demand follows from an insight first formulated by me: *that there are no moral facts whatever*. Moral judgement has this in common with religious judgement, that it believes in realities which do not exist."⁶³ But wait. Even if "there are no moral phenomena at all"⁶⁴ and "all truth is crooked,"⁶⁵ there is **just gaming**,⁶⁶ there is an ethical interpretation of phenomena. Morality decomposes into ethics, where Foucault and Connolly argue it has to lie: "Morality is too crude, ruthless, and blind to do the job we pretend it accomplishes. It covers up its own ineptitude in the interest of accomplishing . . . [its] social task. . . . Morality, then, is in tendency immoral."⁶⁷

All truth is crooked. What occurs, and what perhaps has always occurred, in any moral economy is the moralization of self and demoralization of the other. Identity/difference: identity acquires definition when what is different from it is set out on its outside, when it takes on desirable attributes that are distinguishable from the other's undesirable attributes. The modern homosexual, the modern prostitute, were mapped and encoded in law around the same time and by some of the same laws during the latter half of the nineteenth century.⁶⁸ It was this codification of the homosexual and the prostitute that constructed heterosexuality and female sexuality: the good woman (wife, mother, daughter) was defined in opposition to the whore. The characteristics of the good woman and of the noble heterosexual man have never been formulated in law. They just are what the whore and the queer are not. Today, the "good" homosexual closest to the heterosexual norm of normal officially monogamous relationships, the "home-osexual" who is in the home, is putting as much distance between himself and the homosexual who pays sixteen- or seventeen-year-olds for sex, who buys a safe-sex video produced and enacted by three young guys (two fourteen-year-olds and a twenty-two-year-old); at the very least, the home-osexual just lets the equation that depictions of sexuality between youths and an adult equal obscenity and exploitation go unchallenged. "We are just like you; we are queer taxpayers; we are concerned about the same social-sexual prob-

⁶³Friedrich Nietzsche, "The 'Improvers' of Mankind," in *Twilight of the Idols*, in Hollingdale, trans. (n. 39 above), p. 119 (emphasis added).

⁶⁴Friedrich Nietzsche, *Beyond Good and Evil*, in Hollingdale, trans., p. 104.

⁶⁵Nietzsche, *Thus Spoke Zarathustra* (n. 39 above), p. 251.

⁶⁶This is a reference to Jean-François Lyotard's concept of justice as set forth in his book *Just Gaming* (Jean-François Lyotard and Jean-Loup Thebaud, *Just Gaming*, trans. Wlad Godzich [Minneapolis, 1985]).

⁶⁷Connolly, p. 135.

⁶⁸See Jeffrey Weeks, "Inverts, Perverts and Mary-Annes: Male Prostitution and the Regulation of Homosexuality in England in the Nineteenth and Twentieth Centuries," in Weeks's *Against Nature* (London, 1991), and my "The Making of the Modern Prostitute Body," in Bell, *Reading, Writing, and Rewriting the Prostitute Body* (n. 32 above).

lems as you are; we want them imprisoned and/or 'rehabilitated,' just as you do." It Kant be otherwise. Identity/difference is duplicated inside the category "homosexual" to produce an internal dichotomy: virtuous homosexual/pervert.

Definitions of the self depend on the projection of unwanted parts of the self onto an other who then has to be controlled, blamed, and punished in order to hold the integrity of the self. Recent publications appeal to the lesbian and gay movement to repudiate its abnormal extremes and line up with the normal majority as the inevitable and legitimate price of full acceptance into American society.⁶⁹ President Clinton, in response to Newt Gingrich's accusation that he was a "counterculture McGovernik," said, "I am a middle-aged man who's worked very hard in his life to be a mainstream American, and I think I've done a reasonable job of it."⁷⁰ Canadians try, perhaps even harder, to be mainstream Americans: the Butler Decision was a rewrite and redirection of the Minneapolis ordinance that connected the concepts of harm, coercion, degradation, and dehumanization with obscenity. What got turned down in civil law in the States sprung up in Canada as criminal law. Women's equality and power will be achieved at the expense of bad women or women suffering

⁶⁹ Marshall Kirk and Hunter Madsen, *After the Ball: How America Will Conquer Its Fear and Hatred of Gays in the '90s* (New York, 1989); and Bruce Bawer, *A Place at the Table: The Gay Individual in American Society* (New York, 1993), are two such publications. Kirk and Madsen warn the gay community: "We're assumed to consist entirely of extreme stereotypes: men ultraswishy and ultraviolet, Frankensteinian thug-women with bolts on their necks, mustachio'd Dolly Parton wanna-bes, leather-men in boots and whips, ombudsmen of pederasty squirting their ombudsboys—all ridiculous, deranged, or criminal. And when we are *finally* allowed to rally and march, to lay our case before the cameras of the straight American public, what do we do? We call out of the woodwork as our ambassadors of bad will all the screamers, stompers, gender-benders, sadomasochists, and pederasts, and confirm America's worst fears and hates" (p. 144). They advise: "When you're very different, and people hate you for it, this is what you do: *first* you get your foot in the door, by being as *similar* as possible; then, and only then—when your one little difference is finally accepted—can you start dragging in your other peculiarities, one by one" (p. 146). Kirk and Madsen juxtapose "drag queens and pederasts" to "the rest of us"; they state: "The rest of us are working our butts off to convince straights that, in all respects other than what we like to do in bed, we're exactly like folks" (p. 147). Bawer echoes Kirk and Madsen's concern for heterosexual acceptance. He restates: "The marchers who make the Gay Pride Day march embarrassing to many homosexuals . . . represent the same small but vocal minority of the gay population that has, for a generation, played no small part in shaping and sustaining most heterosexuals' notions of what it means to be homosexual. . . . I've remarked that many heterosexuals think of homosexuality in terms of 'practice' or 'activity,' but this is at least partly because the subculture-oriented gays center their lives on their sexual orientation and because a generation of gay activists have made the right to engage with abandon in certain kinds of activity their principle cause" (p. 160).

⁷⁰ Ellen Willis, "One of Those Weeks: A Media Diary," *Village Voice* (November 22, 1994), p. 8.

false consciousness; women's equality and dignity will be achieved at the price of not listening to women who insist upon not realizing how victimized we are. **All truth is crooked.**

The Butler Decision and the so-called Child Porn Law are the manifest content of a moral economy in which the structuring principle is identity/difference, moral self/immoral other; its imaginary core is an intrinsic moral order in which everything undesirable must be identified as abuse and harm, which can and must be prevented by law.

What is harm? S/M porn, intergenerational sex, youth sexuality, prostitution? Harm is the closing of communication: the Canadian law against "communicating." We have a "debate," a brief, stifled debate; the loser is criminalized and goes to jail. "Every truth is an established truth, the truth of a certain institution or institutional complex."⁷¹ "Every discourse among interlocutors is a struggle against outsiders, those who emit interference and equivocation, who have an interest in that the communication does not take place. But in the measure that communication does take place and that statements are established as true, it designates outsiders as not making sense, as mystified, mad, or brutish, and it delivers them over to violence."⁷² "What concerns us in another is precisely his or her otherness";⁷³ what we go after is difference, attacking "carrion bodies with carrion utterances."⁷⁴ But not just any difference; it is sexual difference, sexual "deviance" that opens to moral paranoia; moral paranoia closes communication and delivers discussion and deviants over to violence.

Moral paranoia is the energy force of what Stuart Hall, Jeffrey Weeks, and Gayle Rubin have theorized as moral panics. Moral panics seem to arise cyclically and in times of what Rubin identifies as "unthinkable destruction."⁷⁵ Arthur Kroker and Michael Weinstein characterize the dominant political system at the end of the millennium as liberal fascism "where capitalism and its homicidal double: fascism" are united:⁷⁶ "liberal fascism—the growth of fascism as a tumor under an exhausted skin of liberal rhetoric."⁷⁷ Britain, the United States, and Canada have new crime legislation and Canada, the United States, and Great Britain have new sex crime legislation. "Through the bunker state liberal fascism ex-

⁷¹ Connolly (n. 50 above), p. 136.

⁷² Alphonso Lingis, *The Community of Those Who Have Nothing in Common* (Bloomington, IN, 1994), p. 135.

⁷³ *Ibid.*, p. x.

⁷⁴ This is a borrowed trace from Lingis's chap. "carrion body carrion utterance," in *ibid.*

⁷⁵ Gayle Rubin, "Thinking Sex: Notes for A Radical Theory of the Politics of Sexuality," in Vance, ed. (n. 37 above), p. 267.

⁷⁶ Arthur Kroker and Michael A. Weinstein, *Data Trash* (Montreal, 1994), p. 63.

⁷⁷ *Ibid.*, p. 90.

cludes surplus bodies (immigration), through the austerity state it uses debt reduction and high unemployment to control labor and minimize social programs, and through the security state it submits bodies to testing and surveillance. *Under liberal fascist ideology everything done to victims is for their own good or is regrettable action that is necessarily performed for an obvious over-riding human(itarian) interest. The dominant mood of liberal fascism is cynical piety.*"⁷⁸

"At times such as these, when we live with the possibility of unthinkable destruction . . . people become dangerously crazy [paranoid] about sexuality."⁷⁹ The disease of paranoia manifests as a "panic-anxiety that one's selfhood could be destroyed" by an evil other.⁸⁰ There is obsession with poisoning: pollution, purging the body politic of the elements that pollute it, cleansing of those who corrupt society, control at all borders of who can enter, walk the streets, and leave. The psychological mode of action in paranoia is projection: "the attribution to external figures of motivations, drives or other tensions that are repudiated and intolerable in oneself."⁸¹ The moral self/the immoral other.

Sex, morality, and paranoia coalesce in moral panics. Fears attach to some sexual activity or population; these fears are channeled into political action and social change. The standard targets are pornographic materials, prostitutes, and erotic deviants. The moral sex panic of the 1950s was antihomosexual; the moral sex panic of the mid-1980s linked pornography, prostitution, and child sexual abuse.⁸² The moral panic of the 1990s is recombinant: it focuses on pornographic materials (Butler and the so-called Child Porn Law) and targets erotic deviants: S/M practitioners, lesbians, gay men, prostitutes/hustlers under eighteen, hebephiles ("hebephile" is a sexological term for persons attracted to adolescents). The hysteria mounts the closer the sexual activity gets to or can be portrayed as getting to children. Perhaps that is why "seventeen year olds at the height of their sexual powers are called children" in the London porn panic.⁸³ The media played up the hysteria with repeated references to the "Child Porn Ring." We heard that "more than 800 videotapes have now

⁷⁸Ibid., p. 65 (emphasis added).

⁷⁹Rubin, p. 269.

⁸⁰Eli Sagan, *The Honey and the Hemlock: Democracy and Paranoia in Ancient Athens and Modern America* (New York, 1991), p. 26.

⁸¹Ibid., p. 19.

⁸²"Both the Badgley Report on Child Sexual Abuse (Canada, 1984) and the Fraser Report on Pornography and Prostitution (Canada, 1985) found evidence of extensive child sexual abuse in Canada and pointed to a consensus in society on the need for dealing immediately with the issue" (Dany Lacombe, *Blue Politics: Pornography and the Law in the Age of Feminism* [Toronto, 1994], p. 112).

⁸³"The Bedrooms of the Nation" (n. 1 above), p. 38.

been seized in this child-pornography ring"; only later and less flamboyantly did we learn that the tapes were "mostly Hollywood movies, *National Geographic* specials and programs taped off television."⁸⁴ In fact "none of the 800 tapes has been charged. What has been charged in the haul . . . is one eight-millimetre film, some albums of snapshots, and some gay magazines of the sort you can buy in bookstores."⁸⁵ The fact that the seized videotapes were not chargeable as child porn or any type of porn did not in the least affect their currency in the Child Porn Panic: the London chief of police gave a press conference surrounded by the hundreds of seized tapes. "Pictures don't lie. Pictures tell it all."⁸⁶ This image of the chief of police surrounded by what was represented as child porn got provincial funding for "Operation Guardian," the province-wide joint-forces Child Pornography Task Force. "What touched off 'Operation Guardian' . . . was not pornography but rather a public-relations image, a picture of a mountain of tapes."⁸⁷ The "Child Porn Ring" became the "Child Porn Network" as the budget of the Ontario police task force to crack down on child porn rose. The "Child-Porn Probe Spreads."⁸⁸

What is the "Truth" of the Child Porn Panic in southern Ontario, primarily London? The facts become jumbled as to what precisely the men have been arrested for and charged with. The police/media story presents the criminal charges as being for crimes involving sex with "children." The court records, however, tell a different story:

Of the more than 400 charges laid against 52 men so far, only 40 are for "sexual interference," which involves incidents with boys below 14. There is one charge of making "child" pornography; there are 20 charges of possession of child pornography.

The bulk of the other 90 percent of the charges (just under half) are for using the services of teenage prostitutes above the legal age of consent. Sex for money is legal in Canada, providing the prostitute is not under the age of 18. [It is legal to have] sex with someone between 14 and 18, but it becomes a crime if [the person 18 or over] gives the juvenile anything that can be construed as payment.

[Many of the men have been charged with anal sex with a person under 18.] At the time the [Child Porn Scare] was getting underway, it was illegal for persons under 18 to have anal intercourse.

⁸⁴Ibid., pp. 43, 44.

⁸⁵Ibid., p. 44.

⁸⁶Ibid., p. 12.

⁸⁷Ibid., p. 44.

⁸⁸Front page headline, *Toronto Star* (June 4, 1994).

This stands in contrast to Canada's general age of consent of 14 for oral or vaginal sex. . . . The discrepancy was . . . ruled unconstitutional in August 1993 by Canada's lower courts. The London police would lay some 40 charges of anal intercourse subsequent to that ruling, claiming they were entitled to do so because the government was appealing the decision.

In May 1995, some 19 months into the London investigation and after at least 14 men were charged under [the law against anal intercourse for persons under 18, s.159 of Canada's Criminal Code], the Ontario Court of Appeals upheld the decision declaring the law unconstitutional.

The ruling rendered invalid all the anal intercourse charges laid by police. But the damage was done. Men had gone to jail and lives were ruined. [These men] will forever be seen as the men who had anal intercourse with the "little children" in the "kiddie porn ring."⁸⁹

Andrew Sorfleet, Toronto sex worker activist, in his article "Porno-File," documents how the media and the police collaborated to set in motion the child pornography panic. On January 15, 1994 both the *Star* and the *Sun* ran stories announcing Matthew McGowan's arrest. The reports and headlines fed directly to the newspapers by the police, suggested that the arrest was the result of a seizure of videotapes (plural) which "included child porn . . . violence, degradation, and dehumanizing acts," and "videos show[ing] explicit, degrading and sometimes violent sex acts involving young male victims ranging from prepubescence to their early teens."⁹⁰ The newspapers lead the reader to think that Matthew is charged with making child pornography; toward the end of the *Star* article, one line establishes that Matthew is actually charged with two counts of making obscene material, a charge no doubt premised on Hayes's ruling that casual gay sexual encounters are "degrading and without human dimension."⁹¹

Sorfleet continues: "Here are some facts. In May, last year, before the youth porn law was passed, McGowan, 22 at the time, and his 14-year-old boyfriend of many months, borrowed a video camera and made a video with another 14-year-old friend from the boy's stroll. They were above the age of consent. The tape shows the three youths playing sexually, with a lot of verbal negotiation and consent, including discussions

⁸⁹Couture, "London's Trials" (n. 2 above), pp. 16-17; and Hannon (n. 2 above), pp. D1, D5.

⁹⁰Andrew Sorfleet, "Porno-File," *Maggie's Zine* (Winter 1993-94), p. 9.

⁹¹Glad Day Bookshop v. Canada (n. 19 above), p. 25.

about safe sex. It is obviously a home movie and in no way resembles any kind of commercial production."⁹²

"Police are using the law to arrest people who are the most vulnerable and least likely to be able to launch a defense or to have any support within the broader community," Sorfleet maintains. "It is clearly a homophobic attack on gay street youth. This law is also being used to attack the gay community and stifle any discussion about sexuality."⁹³ "It is also now apparent that, because of selective prosecution . . . a law that was designed to protect youth is now causing youth extreme harm."⁹⁴ Harm is the ending of discussion, the closure of communication.

How do we open communication between the hangmen and the accused, between the virtuous and the criminalized, between communicating positions in which one side has the power of the law, the police, the media, the "helping" professionals, and the other, perhaps the power of their own lived ethics, perhaps nothing but a will for erotic/sexual integrity, perhaps nothing? What is needed is a shift from teleological morality in which practices are connected to transcendent and/or intrinsic purpose, such as a law or a categorical imperative, to a-teleological ethics, the shift of Foucault and Connolly. Fifteen or more years ago Foucault noted "the idea of morality as obedience to a code of rules is now disappearing, has already disappeared. And to this absence of morality corresponds, must correspond, the search for an aesthetics of existence."⁹⁵

What Foucault did not take fully into account is that remnants of the archaic code are, as Connolly contends, "lodged in the subterranean levels of liberalism"⁹⁶—morality as "cynical piety."⁹⁷ One of Foucault's main philosophical projects and practical aims was to pursue ethics "understood as a style of comportment," the art of living and dying.⁹⁸ At the time of his death Foucault talked about ethical *parrhesia* and the *parrhesiastic* contract. Parrhesia is truth telling; the parrhesiastic contract is truth telling in the presence of another; and true life parrhesia is an aesthetics of existence, "a truth one does or lives rather than says."⁹⁹

⁹²Sorfleet, p. 10.

⁹³Ibid.

⁹⁴Ibid., p. 9.

⁹⁵Michel Foucault, *Politics, Philosophy, Culture: Interviews and Other Writings, 1977–1984*, ed. Lawrence D. Kritzman (New York, 1988), p. 49.

⁹⁶Connolly (n. 50 above), p. xvi.

⁹⁷Kroker and Weinstein (n. 75 above), p. 65.

⁹⁸Thomas Flynn, "Foucault as Parrhesiast: His Last Course at the College de France (1984)," in *The Final Foucault*, ed. James Bernauer and David Rasmussen (Cambridge, MA, 1991), p. 114.

⁹⁹Ibid., p. 113.

Ethics, for Foucault, is the underside of Western morality: ethics is "a very strong structure of existence without any relation with the juridical *per se*, with an authoritarian system, with a disciplinary structure."¹⁰⁰ Foucault is opening a space for a plurality of truths, styles of life, points of resistance.¹⁰¹ He is countering the history of truth that imagines a unification of truths in a developmental totality: Truth.¹⁰² The parrhesiastic contract is a contract between equals, at least for the duration of the truth telling; it is not the therapeutic contract of normalization in which one party provides the framework of Truth for the other party, into which the other must fit his or her truth. The imputation of false consciousness is not part of the contract. The parrhesiastic contract is listening and hearing what we may not want to hear.

Listening to a child, hearing him speak, hearing him explain what his relations actually are with someone, adult or not, provided one *listens with enough sympathy*. . . . To suppose that a child is incapable of explaining what happened and incapable of giving his consent are two abuses that are intolerable, quite unacceptable.¹⁰³

Contrast this with the "groundbreaking interviewing techniques" used by the London police, social welfare personnel, psychologists, and therapists—the "professionals"—to get "scared young victims to 'fess up and tell police what's been going on."¹⁰⁴ The groundbreaking interviewing technique hinges on therapeutic statements such as "I don't believe you had a choice in the matter." The youth: "I could have said no if I wanted to." Police social worker: "Yeah, but he's twenty-eight." Youth: "Yeah. So?" Police social worker: "And you're a kid of what? Fifteen? Sixteen? Seventeen? Don't you think it is weird for him to be having sex with a person of your age?" Youth: "Mm-hm." Police social worker: "That's what I'm getting at. . . . He's used you for these acts. . . . Did you ever feel used by him?"¹⁰⁵ As the research coordinator at the London Family Court Clinic explains: "Victim impact statements . . . are written by clinicians who have a lot of experience in . . . child victimization." There is "the victim's version of the story" and "what we think it means."¹⁰⁶ Truth as clinical interpretation. **All truth is crooked.** Lon-

¹⁰⁰Ibid., p. 115.

¹⁰¹Ibid., p. 112.

¹⁰²Ibid.

¹⁰³Michel Foucault, "Sexual Morality and the Law," transcript of the television program *Dialogues* broadcast by France-Culture, April 4, 1978, in Foucault, *Politics, Philosophy, Culture* (n. 95 above), p. 284.

¹⁰⁴"The Bedrooms of the Nation" (n. 1 above), p. 38.

¹⁰⁵Ibid., pp. 30–40.

¹⁰⁶Ibid., p. 40.

don youth talking to CBC journalist: "They wanted me to say to the judge that I feel I was a victim. . . . They tell us we're victims, . . . hurt by this, . . . not thinking that we may not be that stupid."¹⁰⁷ Until the Canadian Broadcasting Corporation series the boys did not speak for themselves and the men were not interviewed. The rationale: "Pictures don't lie. Pictures tell it all."¹⁰⁸ What do the pictures tell? The pictures tell the viewer that people under eighteen and over fourteen (except in one case, an eleven-year-old) suck cock and have anal intercourse, with each other and with people over eighteen, sometimes with more than one person at once. The truth of the pictures is filled in by the meaning they hold for the viewer. When I see the pictures I see teenage boys engaging in sex with each other and with men; when the London chief of police sees the pictures he sees child abuse, he sees children used "like . . . pieces of meat."¹⁰⁹ Is it because he has never sucked the cock of a fifteen-year-old, a seventy-year-old, is it because he has never had sex for the camera, sex with at least two others for fun and money? What if he had? Could s/he see different truths in the pictures by listening to the speech of those making the images? Foucault argues, like Jean-François Lyotard (in fact, this is Lyotard's concept of justice), for case by case truth; Foucault is arguing for "listening to" and "trusting" the child's testimony, for recognizing that children are capable of subjecthood and of consent/nonconsent. Foucault is speaking about listening to children; he does not specify an age; in London and Toronto the "children" are fourteen to seventeen.

What happens in liberal fascism is that the debatable, the discussable, is made undebatable, is a univocal reflection of a moral economy of equivalence. In place of the moral economy, Foucault and Connolly propose "ethical sensibility" premised on care of self and becoming, rather than knowing oneself and being. Care of oneself was a dominant moral principle in antiquity: it produced a self-governing, relational self: "The precept 'to be concerned with oneself' . . . was one of the main principles of cities, one of the main rules for social and political conduct and for the art of life."¹¹⁰ Care as the operative principle of an ethical sensibility translates as "the care of what exists and might exist; . . . a sharpened sense of reality . . . ; a readiness to find what surrounds us as strange and

¹⁰⁷Ibid., p. 18.

¹⁰⁸Ibid., p. 12.

¹⁰⁹Ibid., p. 15.

¹¹⁰Michel Foucault, "Technologies of the Self," in *Technologies of the Self: A Seminar with Michel Foucault*, ed. Luther Martin, Huck Gutman, and Patrick Hutton (Amherst, MA, 1988), p. 20.

odd; a certain determination to throw off familiar ways of thought and to look at the same things in a different way . . . ; a lack of respect for the traditional hierarchies of what is important and fundamental."¹¹¹ Listen: "I [the author] sucked the cock of a fifteen year old boy, he bought me dinner and lent/gave me twenty bucks, he had money, I was broke, I was twenty-nine." Listen: "Yes, I [the London hustler] went looking [for sex] . . . it was all consensual . . . I see something wrong with what I did because it seems to be socially unacceptable. That's the only reason . . . it's kind of embarrassing . . . I don't see myself as a victim—the men treated me with respect, they helped me out in trouble."¹¹²

This "lack of respect for the traditional hierarchies of what is important and fundamental"¹¹³ for Connolly becomes a practice, a politics of *agonistic respect*. Agonistic respect is "a social relation of respect for the opponent against whom you define yourself, even while you resist its imperatives and strive to delimit its spaces of hegemony."¹¹⁴ Agonistic respect is not liberal tolerance (although in the current condition of liberal fascism liberal tolerance is appealing) where liberal tolerance lets the other be as an "other" (liberal fascism rounds up the predictable suspects); agonistic respect is an active relation of interdependence and strife between identities. Identity and difference are contested. One "identif[ies] traces in the other of the sensibility one identifies in oneself and locate[s] in the self elements of the sensibility attributed to the other."¹¹⁵ We share in one another's fate; it is the Rawlsian original position without closure. Agonistic respect "folds contestation into the foundations of the identity from which liberal tolerance is derived and delimited."¹¹⁶ Connolly calls it a politics of critical pluralism. But why not put some care back into democracy and name it radical democracy? It is what some refer to as deep democracy. What it entails is the principle of care, manifest as the activity of listening, listening to all, all the way. Radical democracy is listening to all others and all parts of the self, not only "legitimate" parts but also "inappropriate" parts—criminals, pornographers, prostitutes, murderers, philosophers, S/M practitioners, schizophrenics, and on and on. The debate has no conclusion. How do we know if someone is harmed? We listen.

How do we judge harm? The same way we listen: case by case. "Let

¹¹¹ Michel Foucault, "The Masked Philosopher," in Foucault, *Politics, Philosophy, Culture*, p. 328.

¹¹² "The Bedrooms of the Nation," p. 21.

¹¹³ Foucault, "The Masked Philosopher," p. 328.

¹¹⁴ Connolly (n. 50 above), p. 155.

¹¹⁵ *Ibid.*, p. 157.

¹¹⁶ *Ibid.*, p. 156.

us be just."¹¹⁷ "Truth is not ontological truth, it is ethical."¹¹⁸ And all truth is crooked.

Justice consists of resisting the insistence of certain language games or narratives to provide the rules for other language games or narratives, that is, to become metalanguages or grand narratives, to be ontologized truths. Some fourteen-year-olds making a gay sex video perhaps are harmed; some, perhaps, are not: "When they made the video all three boys were above the age of consent for sex, which is fourteen. They had had sex with other boys many times before. They made the video of their own free will and for their own fun. They had safe sex only. And at the time they made the video the new child porn law did not . . . exist."¹¹⁹ Is the harm in the filming, in the sex acts themselves, or in how "the standard" of the "community" re-presents the acts: "violent sex acts," "young male victims," "degrading?"¹²⁰ McGowan presents a different picture: "There is a lot of stuff happening on this video that if you didn't see the pictures and you only heard the sound track, you would think it is just people having a good time, laughing and talking. Max Allen played it on CBC radio."¹²¹ I "would . . . tolerate other Canadians being exposed to" this video;¹²² in fact, if Canadians actually saw oral and anal intercourse between three young male friends—yes, they could also be female—maybe many would not find it degrading and dehumanizing. Maybe many would see it as *Just Sex*. Is it that the public has been "desensitized"¹²³ so that they are not able to see "any real human relationship,"¹²⁴ trained to overlook "the human dimensions"¹²⁵ in same-sex sexplay that involves more than two people?¹²⁶ What if one were to judge case by case? "If you didn't see the pictures and you only heard the sound track, you would think it is just people having a good time, laughing and talking."¹²⁷

A society is just if no one game dominates the other games and be-

¹¹⁷ Lyotard and Thebaud (n. 66 above), p. 19.

¹¹⁸ *Ibid.*, p. 60.

¹¹⁹ SWAT (Sex Worker Alliance of Toronto) press release (November 1993).

¹²⁰ *Toronto Star* and *Toronto Sun* (January 15, 1994) reports of Matthew McGowan's arrest.

¹²¹ My interview with Matthew McGowan, March 1994. The interview is included in this article with permission from Autonomedia, publisher of *WHORE CARNIVAL* (n. 32 above).

¹²² R. v. Butler (n. 6 above), p. 454.

¹²³ *Ibid.*, p. 524.

¹²⁴ Ruling premised on Butler in *Glad Day Bookshop v. Canada* (n. 19 above), p. 16.

¹²⁵ R. v. Butler, p. 524.

¹²⁶ Judge Hayes ruled that casual gay sexual encounters are "degrading and without human dimension" (*Glad Day Bookshop v. Canada*, p. 25).

¹²⁷ Interview with Matthew McGowan.

comes a grand narrative.¹²⁸ But, of course, there are many grand narratives or metalanguages: liberalism (liberty), democracy (equality), law (criteria, determinate judgments), heterosexuality (the privilege of defining yourself in relation to an opposite sexual other). One "ought to be pagan";¹²⁹ there are always many prescriptions, one cannot live in community without many prescriptions. "Let us be pagan": let us "maximize as much as possible the multiplication of small narratives."¹³⁰ According to the narrative of young male hustlers, the video is not degrading and dehumanizing; to quote Matthew: "I want to make it very clear that the video is not obscene in my eyes. There isn't any violence; there is not whipping or anything like this. It is very vanilla sex. It is very funny, we are laughing."¹³¹ Matthew went underground in the time between the September arrest of one of the young males and January 15, 1994, when he decided to return to Canada to fight the impending charges. He explained the video to *Eye* magazine reporter Gemma Files, under the pseudonym John Doe. He says:

The three of us went off and had a ball, taking turns with the camera, talking and smiling and joking around and hugging and playing with each other's dicks. Nobody's drunk, nobody's stoned. It's all safe sex, with condoms. All three of us have had enough sex with other men and boys to know what we're doing and what we like, and all three of us were old enough to have sex with each other legally. But making a video of it or even having a video of it is now illegal.

We made the video before the law was passed, so it wasn't illegal when we made it. But they arrested and charged my friend anyway for making "obscene material" under the new law.¹³²

This statement about these events was submitted to the *Globe and Mail's* "Facts and Arguments" section by Maggie's, the Toronto prostitutes' rights action group, only to be turned down with the statement that they "could not publish it."¹³³

The real issue in justice, according to Lyotard, is terror. Terror is the

¹²⁸ "What makes paganism? It consists in the fact that each game is played as such, which implies that it does not give itself as the game of all the other games or as the true one" (Lyotard and Thebaud [n. 66 above], p. 60).

¹²⁹ *Ibid.*, p. 59.

¹³⁰ *Ibid.*, pp. 19, 59.

¹³¹ Interview with Matthew McGowan, reprinted with permission from *WHORE CAR-NIVAL* (n. 32 above).

¹³² Gemma Files, "Does New Kid Porn Law Go Too Far? Gay Teens Argue Bill C-128 Has Homophobic Overtones," *Eye* (November 4, 1994), p. 10.

¹³³ *Ibid.*

interruption of the social bond by death in all its forms: repression, hunger, violence, unemployment, jail, dehumanization, harm. Terror is the fear of one language game becoming hegemonic and imposing its concept of justice. Some sexual others live in terror, terror produced by the very heteroliberal values that proclaim justice, equality, and dignity.

"Prescriptives, taken seriously, are never grounded: one can never reach the just by a conclusion."¹³⁴ What is degrading to some persons is not to many others. "Degrading," "obscene," "dehumanizing" are empty categories that get filled with the content of homophobia, whorephobia, ageism, sadomasochobia, transgenderphobia, and fear of difference.

I will take the strategy of "paralogy": a practice that counters a meta-language game like the Law, a practice that defers consensus, that produces dissension and undermines the search for commensurability.¹³⁵ Are the images art, social commentary, pornography, a ruse, three young males playing, two middle-aged women playing?

As a judicial strategy, I will take the Kant of the Third Critique of Judgment: the Kant of aesthetic judgments, the Kant concerned with beauty in which the particular itself is so complex that it cannot be brought under a universal. Judgment is a case by case judging of the manner in which each unique complex set of events hangs together. "Everyone knows how beautiful young people are and how beautiful their bodies are."¹³⁶ What we do with beauty we can do with justice. We judge the same way we listen: on a case by case basis. Each judgment is independent; no judgment, once made, serves as a fixed precedent or criterion for another judgment. The pagan Kant as interpreted by Lyotard: "One judges without criteria. And one judges not only in matters of truth, but also in matters of justice, that is, of politics and ethics, and all without criteria."¹³⁷

At the level of moral philosophizing, I will take the Rawlsian "original position" (justice as fairness), sexualized. Justice for John Rawls is the first virtue of the social; it is equivalent to truth in thought. I will abide

¹³⁴ Lyotard and Thebaud, p. 17. "Thebaud questions Lyotard: 'You say: "It is unjust." How can you say it, if you do not have a representation of what justice ought to be, unless you derive this prescription of acting against from something else?' Lyotard responds: 'No. I do not think that it can be derived. I think that one can try to derive it. It can be derived in Kantian fashion; it can be derived in Hegelian fashion; it can be derived in Christian fashion. There is thus a whole slew of possible motifs. I mean "motif" almost in the sense of embroidery'" (p. 69).

¹³⁵ *Ibid.*, p. 100.

¹³⁶ Allen Ginsberg, "Nothing Human Is Alien," interview by Matthew Hays, *Xtra* 247 (April 15, 1994), p. 20.

¹³⁷ Lyotard and Thebaud (n. 66 above), p. 16.

by the prescriptions of the potentially pagan Rawls. Rawls's social contract takes place in an imaginary original position of blind equality where justice is discussed and determined; it is an ongoing process. Of course, the original position is hypothetical; but Rawls holds that as a society we can get there when we combine justice as fairness with the veil of ignorance. We all choose our social fates together, but behind the veil of ignorance. Individuals are to agree to a set of practices that will govern the basic structure of society; they are to choose these principles on the grounds of self-interest. The rational persons, however, in the original position, do not know their identities; they do not know what they do for a living, how intelligent they are, what their abilities are; they do not know what their own conception of the good is; they do know that they have a conception of the good and that it will differ from others.¹³⁸ What is under erasure in the discussion of justice in the original position is all knowledge of the features that distinguish one person from another.

No one in the original position knows their sexual orientation, the object of their desire; no one knows if they will be straight, gay, bi, a chicken, a chicken hawk, a male, a female, or a transgendered person. A society of sexual justice has to take all these positions into account: "We share one another's [sexual] fate."¹³⁹

At a recent anticensorship panel in Toronto, a gay client charged with paying for sex with someone under the age of eighteen told how hurt and astounded he was at the cops' idea that the sex he had with the hustler was exploitative.¹⁴⁰ In Canada it has lately been made a criminal offense to pay or provide any other consideration in exchange for sex with someone under the age of eighteen, even though the age of consent is fourteen—as if money made an otherwise tolerable act so intolerable that prison must be part of the answer. Giving money might be OK, sexual intercourse without money might be OK, but mixing sexual and economic liquids is bad.

I looked at the hustlers on the stage; I looked at the boys and girls in the under-eighteen sex videos illegally shown at the event. I looked at

¹³⁸ John Rawls, *A Theory of Justice* (Cambridge, MA, 1971).

¹³⁹ *Ibid.*, p. 102.

¹⁴⁰ The panel was organized to provide information about the new child porn law and the charging of the Toronto hustler and image producer Matthew McGowan, artist Eli Langer, and the clients in London. Examples from commercial films and erotic videos of what is now classified as "child pornography" were displayed on video monitors. A video entitled *Bobby and Monica* produced by Butlerfilms Canadian Video for a test case to challenge sec. 163.1 of the Criminal Code of Canada (n. 58 above), which outlaws representations of sex involving people fourteen to eighteen years old, was shown. The forum was held in June 1994.

the client. It was clear who had more power. Not the client. Justice as Fairness is premised to benefit the least advantaged. Men are going to jail for paying for sex with someone seventeen-and-a-half years old: it is not illegal for a young person to sell sex, but it is only legal to pay someone for sex if he or she is at least eighteen years old.¹⁴¹ The onus is on the customer and the older person “to demonstrate that they took ‘all reasonable steps’ to know the age of the young person.”¹⁴² The maximum penalties for breaking the age of consent laws (relating to anal intercourse and payment for sex) range from five to fourteen years in prison. The age of consent laws changed in 1989 without much fanfare. The new laws sat on the books until the new so-called Child Porn Law was passed. At that point the consent laws began to be enforced retroactively, almost like an *ex post facto* law, to clients of male hustlers. **Tricking with philosophy** is a dangerous business. *Do you have a driver's license? Show me your driver's license. What bars do you go to? Do they let you into the baths? Are you eighteen? Do you have a birth certificate? When is your birthday? Get in!*

SEXUAL PARRHESIA: THE ETHICS OF TRUTH TELLING
AND THE MORALITY OF LIBERAL FASCISM: THE
CHARGING OF MATTHEW MCGOWAN

This is a composite text of sexual parrhesia, beginning with the official tale of the charging of Matthew McGowan as presented in the *Toronto Star*, followed by Matthew's truth as told to me in an interview; intercut is McGowan's poetry. This text connects with the second text of sexual parrhesia: “The Charging of Two Johns.” Again the official tale as told in the *Toronto Star* and *Xtra* is presented alongside two other truths: one from a john of some twenty-five years, the other an excerpt from an interview with the famous beat poet and young man-lover Allen Ginsberg. The texts—“The Charging of Matthew McGowan” and “The Charging of Two Johns”—cum full circle; from the young Matthew McGowan, the most famous hustler in Canada and burgeoning beat poet, to Allen Ginsberg, the most famous beat poet and young man-lover in North America.

Man Faces Porn Charges after Videotapes Seized

Boys Shown in Explicit Acts Police Say

A former worker at a Cabbagetown drop-in centre for prostitutes faces child pornography charges after a large seizure of sexually explicit videotapes involving young boys.

¹⁴¹The Criminal Code of Canada, sec. 212 (2), (4).

¹⁴²*Ibid.*, sec. 150.1.

A group of people made, traded, bought and sold videotapes showing young boys engaging in sex, said Detective Terry Wark of the Metro police morality bureau.

"It was mostly the work of pedophiles . . . very secretive," Wark said yesterday. . . .

In late August, police raided two downtown apartments. . . . They seized thousands of pornographic tapes, including a significant number involving children.

Police said the videos showed explicit, degrading and sometimes violent sex acts involving young male victims ranging from prepubescence to their early teens. No young girls were involved, Wark said.

Matthew Howard McGowan, 23, of no fixed address, turned himself in to police yesterday. He was charged with two counts of making obscene material. . . .¹⁴³

Matthew and his friends made only one video; it was found in the August porn raid among what the police numbered as "thousands of pornographic tapes."

*Interview with the Young Matthew McGowan, the Most Famous
Hustler in Canada and Burgeoning Beat Poet*¹⁴⁴

SHANNON: You have been charged with making obscene material. What did you make?

MATTHEW: I made a so-called pornographic video of myself and two other people. I now am twenty-three; at the time I was twenty-two; the other people were both fourteen. I want to make it very clear that the video is not obscene in my eyes. There isn't any violence; there is no whipping or anything like this. It is very vanilla sex. It is very funny; we are laughing. In fact, there is a lot of stuff happening on this video that if you didn't see the pictures and you only heard the sound track, you would think that it is just a couple of people having a good time, laughing and talking. Max Allen played it on CBC radio.

SHANNON: Why is it considered obscene?

MATTHEW: I guess the cops consider it obscene under the 1992 Butler ruling which seems to have made explicit homosexual sex obscene, especially when there are more than two people present. I am going merely on assumption as to why the video is considered obscene because it has been

¹⁴³Dottie O'Neill, "Man Faces Porn Charges after Videotapes Seized," *Toronto Star* (January 15, 1994), p. A14.

¹⁴⁴This is part of my longer interview with Matthew McGowan. The full interview is published in my *WHORE CARNIVAL* (n. 32 above), pp. 185-97. (Appears with permission from the publisher, Autonomedia.)

a month and a half since my bail hearing and my lawyer has yet to receive disclosure of the evidence. The video's "obscenity" may have to do with the fact that two people in it are under eighteen and it is illegal to make sexual images of people under eighteen since the new so-called child pornography law, even though the age of consent is fourteen.

SHANNON: What was your bail hearing like? I heard it took three days.

MATTHEW: My lawyer told me before I even came back into the country, "This hearing is going to be all about information. It is going to be like a boxing match, an information session for both sides; hopefully, we will be the ones walking away with more information." It was like a bad Perry Mason flick. The Crown Attorney kept going off on these tangents; the judge chastized him a number of times, saying, "This is useless information. It has nothing to do with what is happening and I think you had better get back on track." The Crown Attorney asked me questions such as "Do you know who George Hislop [the granddaddy of the Toronto gay movement] is?" The next question was "How many videos did you give him?" My mother came to court, my boyfriend, many of Maggie's staff, and some anticensorship people from York University. There were different types of people there all the time. I believe that their presence had an impact on the case. I am out on bail on my own recognizance so I am responsible for my own actions.

SHANNON: I guess you have to stay in the city. Can you still work?

MATTHEW: I can still work as long as I don't break the law. I could work from home. Remember that while prostitution isn't illegal, soliciting and communicating are; a hustler any age can be arrested for communicating.

SHANNON: You went to the U.S. for four months. Why did you leave and why did you return?

MATTHEW: When I first decided that I should leave I was aware that the police were looking for me. It was also brought to my knowledge that there were no warrants for my arrest and I did not have to speak to the police, which meant that if I left the country at this point I was not fleeing prosecution. I went to New York State and I ended up in New York City. New York City for me when I first got there was scary, very, very scary. Here are some of my notes about the way I felt in New York City. I wrote this particular piece in a stairwell; this will give you an idea of how I was feeling.

Oblivion

What a wonderful way to escape one's own painful reality.

A life, a life,

my kingdom for a life.

Scrutinizing situations in a stairwell, while stoned.

What a stupid sentiment,
senseless, yet seductive,
Contemplating companions while
in compromising circumstances.
To care or not to care?
Is this a relevant question?
Feelings of futility while flanked by
felonies for foolish folly while fucking with friends.
Intellectualizing incredible indiscretion induced by
overindulgence.
Pretending to be passive
while pondering predicament
pending prosecution,
precariously placing pleasure before pain,
possibly prolonging proceedings
while praying profusely for poetic justice.
Sitting in a stairwell stoned.
Feeling sorry for being stupid,
but sad for being forced into solitude.

I had some really hard times when I was in New York. I was alone in a big city with nobody other than myself to look after me, and that scared me. I was so utterly alone. I had left everything that I ever had behind me; I just walked away from it all. I wrote a lot of stuff. It says:

My life is pretty well ruined because
my name had been in the paper,
the big daily paper.
I guess I got my wish, or at least
half of it, I am now famous, hah!
Been less than two weeks and already
I have given up, I do things that I tried
so hard to put off to the side.
And now with the change I cannot
get bad habits out of my mind.
I have again been caught up in the
party, party, party.
Hopefully I will remain sane.
I feel myself slipping a little more,
as the news gets worse.
I am trying to make the best of the worst.
This is the most frightening situation
that I have ever been in.

Then, of course, I go off on some really heavy tangents:

I do not like my life.
 I wish I had the courage to kill myself
 because this is becoming overwhelming.
 I am not sure I can stand prolonged exposure.
 I wish very much that I was not scared to die . . .
 I wish there was something else,
 I wish I knew because the circumstance has
 become too much for my relatively simple
 and loving personality.
 I am not a sexual monster.
 I am not a predator.
 I only have sex with the completely willing
 and to the best of my knowledge
 I have never coerced anyone.
 Now I am a fugitive for having sex.

SHANNON: The label “pedophile” was thrown around in connection with you; the term immediately brings to mind sex with six-year-olds.

MATTHEW: The word “pedophile” wouldn’t have bothered me, but the word “diddler” really, really has a heavy impact on me because I am of the jail culture. When you say the word “diddler” I think of a person playing around with some two-year-old kid; that is my immediate response.

SHANNON: Why did you come back to Toronto?

MATTHEW: Why? It was an informed decision, but it was a damned hard decision to make because the people around me made it very clear to me that they could not guarantee my freedom when I came back. I said, “It is something that I really have to do now.” I had come to the conclusion that the longer I stay away the worse off I am going to be later on, and so I started getting support from people who I needed support from. Without that support I would never have come back. These people include Maggie’s, my mother, my boyfriend Matthew, a number of my friends who are not gay, who are actually very, very straight; they ended up being very supportive. However, I have also lost a lot of friends over this.

SHANNON: Is that because of the newspaper coverage?

MATTHEW: It is because of the inaccuracy.

SHANNON: What is the inaccuracy?

MATTHEW: That I was charged with making “child pornography,” when in fact I was charged with making something that is obscene. The papers made it sound like I was beating up little children. The police met me coming off the ramp of the airplane.

SHANNON: The famous picture of you being taken into custody at the

police station, which was on the front page of the local papers—when was that taken?

MATTHEW: That was taken behind 52 Division. I have something to say about that picture. I was sitting in the police car when we drove up and you could see the press from quite a way back. The police officer that was with me—his name is Detective Constable Pat Nevin—said to me, "You can cover your head now." I said, "I refuse to cover my head; I have nothing to hide." The police normally drive a police car into the 52 Division station and close the garage door before the person in custody gets out of the car, which makes it hard for the press to get a picture. But because I made that statement to that cop, he had the driver stop the car, he took me out of the car and walked me to the station, so the press could take pictures. It was an intimidation tactic. The cops were trying to intimidate me so much so that I would just back off, which I refuse to do. When I turned myself in I walked into protective custody, which was supposed to protect me. I was in that range for about four or five minutes and I walked out with a black eye and my nose was broken.

SHANNON: Are a lot of the boys working Boytown under eighteen? If so, then I guess the date can get arrested for paying for sex with someone under eighteen.

MATTHEW: Some of the guys are; some aren't.

SHANNON: What is your take on the media's repeated claim that the johns of people under eighteen are victimizers?

MATTHEW: I am sure that that may be the case once in a while, but not very often. When I do a date it is on my terms. Almost every single date that I have ever pulled, I have thought that I got the better end of the stick than them. They were paying to do things with me. That is definitely an ego boost. The money is good. I came out of the closet at sixteen. If I had known about hustling I would have done it. I know I would have been on that corner every night; I would have been selling it real hard.

SHANNON: Who is victimizing, then?

MATTHEW: The cops.

SHANNON: Who are your clients?

MATTHEW: There are all kinds. One of my better clients is married with two children. He is very upfront with his wife about the fact that he likes sex with boys. He is very upfront about the fact that he is bisexual and about what he wants to do sexually. He says, "This is what I want to do; you in? Okay, good, let's go." My clients come from all walks of life: I have a number of upper-class guys, a justice of the peace, I have middle-class guys, I have working-class guys, and I have clients who live in single rooms and are poor.

SHANNON: What is a good client for you?

MATTHEW: A person that you can have a good time with even when you are not working and he is not paying. Someone you can hang around with and enjoy talking to.

SEXUAL PARRHESIA: THE ETHICS OF TRUTH TELLING AND THE MORALITY OF LIBERAL FASCISM: THE CHARGING OF TWO JOHNS—A SCHOOLTEACHER AND AN ALDERMAN

A veteran Scarborough public school teacher is the 34th person to be charged with sex offences by a special joint police taskforce [Project Guardian] investigating child pornography in the London, Ont., area. [The man] faces three charges of obtaining sexual services of a person under 18 years of age. . . . Police said the latest charges involve two male prostitutes aged 16 and 17 who they allege were picked up on the streets of London and transported to a motel in Mississauga for sexual purposes in 1992 and 1993. . . . Colleagues at the [school] board said [he] is a "well respected" teacher who is chairperson of his school. The chairperson is a senior teacher who helps other teachers with any curriculum or teaching problems. . . . Police said [the teacher] was unmarried and lived with his parents.¹⁴⁵

The former St. Thomas alderman said, "I don't go around molesting children. I am not a diddler. . . . If the opportunity arises that I can have sex with a male prostitute . . . I do."¹⁴⁶ The former alderman was charged with eighteen charges of paying for the sexual services of a person under eighteen, five charges of gross indecency, and five charges of anal intercourse with teenagers ranging in age from fourteen to seventeen.¹⁴⁷ The anal intercourse restriction to over eighteen was declared unconstitutional by an Ontario Court judge. This ruling is being appealed, allowing police to continue to charge persons for engaging in anal intercourse with persons under eighteen. The age of consent for oral and vaginal sex is fourteen; for anal sex it is eighteen.

The "former St. Thomas alderman sat with his head bowed, trembling, and twice broke into sobbing before his three-and-a-half year penitentiary sentence was handed down. Justice Jeffrey Flynn noted during the June 24 court session (held in London) that many of the acts were consensual, 'depraved as they are.' Justice Flynn asked: 'Would any right-

¹⁴⁵ Stan Josey, "Teacher Charged in Child Porn Probe," *Toronto Star* (August 27, 1994).

¹⁴⁶ Joseph Couture and Kleri Venizelos, "Politician Outed, Bathhouse Targeted, Police Seeking Sex Offenders in Porn Sweep," *Xtra* 27 (April 15, 1994), p. 17.

¹⁴⁷ *Ibid.*

thinking person accept this kind of activity?' 'If this man didn't put them [the teens] on the path to corruption—he certainly fostered it.'"¹⁴⁸

*An Interview with John*¹⁴⁹

There certainly may be problems with intergenerational sex and youth prostitution—society certainly may be justified in regulating these activities. It may even be necessary to humiliate and imprison a highly respected Scarborough public school teacher for giving money to a sixteen year old hustler for sex. It may even be that whatever affection, delight, friendliness, playfulness, respect, mutual aid, even devotion, might be found in these interactions are entirely canceled, wiped out, voided, and transmuted into excrement by the harm.

What is incredible, though, is the straight mind's insistence that youth are directly harmed by the sexual involvement itself rather than the social and cultural contextualization of this sexual involvement.

According to the straight story, only a child who has been subjected to incest or other abuse at a very young age—six to twelve, say—and who never learned that he could say "no," would go on to have sex with adults, with or without payment, as an older teenager, say fifteen to eighteen. If youngsters could say no, they invariably would say no.

In the straight story, there is not space for the many young persons who have never been abused in any way, who arrive at sex with adults from many different starting points, possibly including their enthusiastic sex lives with other young people.

The straight mind cannot admit that in most cases "harm" to the young person is not an automatic result of sexual involvement with older people. If sex with an age peer doesn't directly cause feelings of having been "used," shame, nightmares, flashbacks, addiction, etc., etc., sex with people ten or twenty years older, need not do so either.

The straight defender of youth can't confess: These are *our* youth, we don't really care what they think they want, we don't want them to have sex with adults, we don't want them to connect money with sex, we are revolted and disgusted by this, therefore we have said that sex with adults is always and under all imaginable circumstances harmful to young persons. We can't say that it is *our* responses of horror and revulsion which are upsetting to the youth; therefore, those attracted to them are deviants, sickos, who should be cured/punished like the homosexuals of the forties and fifties.

¹⁴⁸ Joseph Couture, "Topping Sentenced," *XTRA* 253 (July 8, 1994).

¹⁴⁹ This is part of my longer interview with John, a bisexual client of prostitutes and hustlers. The full interview is published in my *WHORE CARNIVAL* (n. 32 above), pp. 198–215. (Appears with permission from the publisher, Autonomedia.)

In the pre-civil war U.S., racists (i.e., almost everyone) considered miscegenation (cross-racial sex) a crime “because” of the harm it caused to the offspring of such unions, forced to grow up as mongrels in a racist society. And they were right. Whites and blacks who produced children were by that fact abusing them.

It is indeed true that a young person may sooner or later experience profoundly unpleasant feelings and regret about their sexual misbehavior, because of the horror it aroused in the straight parental generation.

The fact is, all youth belong to the straight parental generation, the mothers and fathers, psychiatrists, social workers, cops and journalists, not to themselves. Adults sexually involved with youth cause great pain to adults not so involved.

Allen Ginsberg: Communicating

I had a conversation with Andrea Dworkin in which I said, “I’ve had affairs with boys who were 16, 17, 18 . . . What are you going to do, send me to jail?” And she said “You should be shot” . . . The problem is, she was molested and hasn’t recovered from the trauma. And she’s taking it out on ordinary lovers. . . . They [legislators and police] might try going to the National Museum in Greece. The youth in between puberty and maturity is, for both men and women, one of the oldest aesthetic erotic contemplations in history. Everyone knows how beautiful young people are and how beautiful their bodies are. To forbid representation of that is ridiculous. . . . Really, the intention [of these laws] is to shut off all public discourse and all public communication—which will lead to real perversion.¹⁵⁰

SEXUAL PARRHESIA: A “TRUTH” TO PORNOGRAPHY?

“Making Pornography” and “On ne peut pas voir l’image” are responses to the **truth** about pornography. Both representations (words and photographs) have been presented as performance texts by the author, Shannon Bell: “Making Pornography” was performed at the “Queer Sites: Bodies at Work, Bodies at Play” conference, University of Toronto, May 1993, and at “Dirty Pictures and Sweet Obscenities,” a two-day protest against censorship held as part of Toronto Pride Day weekend, June 1993; “On ne peut pas voir l’image” (text and photo) was exhibited by twenty Toronto art/theater/performance spaces from September 10 to

¹⁵⁰Ginsberg (n. 136 above), p. 20.

October 22, 1994, as a protest response to section 163.1 of the Criminal Code, the "Child" Pornography Law. The art action took place in conjunction with the court case of artist Eli Langer. "Making Pornography" could be charged under Butler; "On ne peut voir l'image" could be charged under the Child Pornography Law.¹⁵¹ The representations mix lesbian sexuality, sadomasochism, and youth sexuality, the contested sites of the new obscenity. These are recombined with philosophy (wisdom) and poetry (eros).

*Making Pornography*¹⁵²

There are two predominant positions on lesbian pornography: one is that no image produced in the dominant pornographic medium be reproduced; the other is that these images be taken to their extreme, destabilizing the heterosexual scenarios. The first is a position of substance; the second is a position of camp, of performance over substance: porno as mimicry.

What happens when hetero-gendered codes: dress, gesture, posture, and sexual activity, are reworked in a lesbian frame? What happens when you mime the mime that heterosexuality has written on male and female bodies and you are both female (as takes place in butch/femme role-playing)? What happens when you mix the codes (butch and femme) on one female body? When you play with the more and more popular S/M images? What happens when you both play daddy boys or boyfriends, imaging gay male pornography?

Three performing porno images:

Image One

A woman has her ankles bound to a ladder, arms in wrist cuffs tied over her head; the woman is wearing work boots and a long, slinky cocktail dress, and she has a shaved head. The second woman, wearing a leather miniskirt, platform ankle boots, and a gangsterish fedora, is simultaneously exposing the first woman's sex and holding a knife to it.

Image One and One-Half

The roles reverse: the female gangster now has on one of those grown-up dresses (lace and taffeta) that little girls play dress up in. She is lying on her back holding a teddy; the previously tied woman has inserted a speculum into the girl/woman's vagina sideways and is inspecting her internal sex organ with a latex-gloved hand.

¹⁵¹ This article does not advocate lawbreaking; it advocates reconsideration of the law.

¹⁵² From a spoken performance piece by Shannon Bell.

What you have here is at the very least a destabilizing of codes. Is the gangster moll of Image One raping, castrating, slashing the woman fixed to the ladder or is she cutting her sexuality loose from male inscription that has perpetrated these crimes against women? Is the act an act of dehumanization and thus obscene, or is it an act of rehumanization and thus sacred? Or is it simultaneously both? In Image One and One-Half has the fairychild through her/his apparently incompetent mime of doctor recoded the medical instrument as a sexual toy and with a twist of the wrist and a turn of the speculum exposed the girl's sex and her sexual power, undercutting the doctor's power in the official gynecological examination?

Image Two

Two women, same size, same body type and shape, slightly different moustaches, both clad in leather pants, one wearing a Greek fisherman's hat, one wearing work boots, the other cowboy boots, redo scenes from Tom of Finland, the famous sub-subcultural gay leather man excess artist of the 1950s–1970s. They pose and wrestle. They do some general bad attitude spanking and sneering around.

What do you have here? Two women parodying two gay men parodying the excess of masculinity. Judith Butler, in *Gender Trouble*, argues that drag is not an imitation of any original; rather, it is a parody of the idea of there being any original.¹⁵³ Gender, as Butler puts it, is “the repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce . . . a natural sort of being.”¹⁵⁴ Gender is imitation without any original, and drag, as the imitation of imitation, reveals the imitative non-essence of gender. Occurring in this representation is the repetition of the performance twice removed (remember, gender requires a performance that is repeated); the “meanings” associated with all three “identities,” lesbian/gay/hetero, are rendered indistinct. It gives new meaning to Marlon Brando's lament in *On the Waterfront*: “I wanted to be a somebody.”

Image Three

A trace to the old burlesque tradition but the return is bent: the role of the vaudeville showgirl was to raise desire in her audience. Here on an old trunk, a woman in classic showgirl attire—feather boa, garters, seamed nylons, and pumps—is receiving pleasure from her female friend who is in 1990s leather boy gear. Here is a slippage of time periods and

¹⁵³ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York, 1990).

¹⁵⁴ *Ibid.*, p. 33.

genres: the object of desire in one period becomes the satisfied sexual subject in the hand of a new transgender icon. Beside the pair, for those in the know, is the faint outline of Judy Garland in male tramp drag sitting on a show trunk singing "I Was Born in a Trunk in the Princess Theatre" in Alexander, Manitoba. Her tramp undermined the showgirl image; it takes a leather boy to resexualize her.

On ne peut pas voir l'image

She is five,
She is fifteen,
She is forty.
She is a boy child
 a girl child
 a woman.

Her defiant gaze catches the spectator
with the savvy of the veteran sex worker,
with the anger of the wilful child,
with the hurt of the crased adolescent,
with the power of a woman in control of her pleasure.

She has been abused?
She has been loved?
She is desiring.
She is desired.
She is ugly.
She is sexy.
She uses the image?
The image uses her?

Whatever you say she is, she is not.¹⁵⁵

¹⁵⁵ By Kath Daymond and Shannon Bell; poem appears here with permission of the authors.